
HOUSE BILL 1258

State of Washington

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By Representatives Grant, Cairnes, O'Brien, Mastin, Reardon, McMorris, Crouse, G. Chandler, Mulliken, Clements, Roach, Edwards, Linville, Kessler, Schual-Berke, Pennington, Morris, Lovick, Lantz, Santos, Van Luven, Schoesler and D. Schmidt

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1 AN ACT Relating to excluding self-service laundry from the
2 definition of retail sale for excise tax purposes; amending RCW
3 82.04.050; creating a new section; and providing an effective
4 date.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 NEW SECTION. **Sec. 1.** The intent of this act is to provide
7 relief for low-income families for their laundry costs.

8 **Sec. 2.** RCW 82.04.050 and 2000 2nd sp.s. c 4 s 23 are each amended
9 to read as follows:

10 (1) "Sale at retail" or "retail sale" means every sale of
11 tangible personal property (including articles produced,
12 fabricated, or imprinted) to all persons irrespective of the
13 nature of their business and including, among others, without
14 limiting the scope hereof, persons who install, repair, clean,
15 alter, improve, construct, or decorate real or personal property
16 of or for consumers other than a sale to a person who presents a
17 resale certificate under RCW 82.04.470 and who:

1 (a) Purchases for the purpose of resale as tangible personal
2 property in the regular course of business without intervening use
3 by such person, but a purchase for the purpose of resale by a
4 regional transit authority under RCW 81.112.300 is not a sale for
5 resale; or

6 (b) Installs, repairs, cleans, alters, imprints, improves,
7 constructs, or decorates real or personal property of or for
8 consumers, if such tangible personal property becomes an
9 ingredient or component of such real or personal property without
10 intervening use by such person; or

11 (c) Purchases for the purpose of consuming the property
12 purchased in producing for sale a new article of tangible personal
13 property or substance, of which such property becomes an
14 ingredient or component or is a chemical used in processing, when
15 the primary purpose of such chemical is to create a chemical
16 reaction directly through contact with an ingredient of a new
17 article being produced for sale; or

18 (d) Purchases for the purpose of consuming the property
19 purchased in producing ferrosilicon which is subsequently used in
20 producing magnesium for sale, if the primary purpose of such
21 property is to create a chemical reaction directly through contact
22 with an ingredient of ferrosilicon; or

23 (e) Purchases for the purpose of providing the property to
24 consumers as part of competitive telephone service, as defined in
25 RCW 82.04.065. The term shall include every sale of tangible
26 personal property which is used or consumed or to be used or
27 consumed in the performance of any activity classified as a "sale
28 at retail" or "retail sale" even though such property is resold or
29 utilized as provided in (a), (b), (c), (d), or (e) of this
30 subsection following such use. The term also means every sale of
31 tangible personal property to persons engaged in any business
32 which is taxable under RCW 82.04.280 (2) and (7) and 82.04.290.

33 (2) The term "sale at retail" or "retail sale" shall include
34 the sale of or charge made for tangible personal property consumed
35 and/or for labor and services rendered in respect to the
36 following:

37 (a) The installing, repairing, cleaning, altering, imprinting,
38 or improving of tangible personal property of or for consumers,

1 including charges made for the mere use of facilities in respect
2 thereto, but excluding charges made for the use of
3 (~~coin-operated~~) self-service laundry facilities (~~when such~~
4 ~~facilities are situated in an apartment house, rooming house, or~~
5 ~~mobile home park for the exclusive use of the tenants thereof~~),
6 and also excluding sales of laundry service to nonprofit health
7 care facilities, and excluding services rendered in respect to
8 live animals, birds and insects;

9 (b) The constructing, repairing, decorating, or improving of
10 new or existing buildings or other structures under, upon, or
11 above real property of or for consumers, including the installing
12 or attaching of any article of tangible personal property therein
13 or thereto, whether or not such personal property becomes a part
14 of the realty by virtue of installation, and shall also include
15 the sale of services or charges made for the clearing of land and
16 the moving of earth excepting the mere leveling of land used in
17 commercial farming or agriculture;

18 (c) The charge for labor and services rendered in respect to
19 constructing, repairing, or improving any structure upon, above,
20 or under any real property owned by an owner who conveys the
21 property by title, possession, or any other means to the person
22 performing such construction, repair, or improvement for the
23 purpose of performing such construction, repair, or improvement
24 and the property is then reconveyed by title, possession, or any
25 other means to the original owner;

26 (d) The sale of or charge made for labor and services rendered
27 in respect to the cleaning, fumigating, razing or moving of
28 existing buildings or structures, but shall not include the charge
29 made for janitorial services; and for purposes of this section the
30 term "janitorial services" shall mean those cleaning and
31 caretaking services ordinarily performed by commercial janitor
32 service businesses including, but not limited to, wall and window
33 washing, floor cleaning and waxing, and the cleaning in place of
34 rugs, drapes and upholstery. The term "janitorial services" does
35 not include painting, papering, repairing, furnace or septic tank
36 cleaning, snow removal or sandblasting;

37 (e) The sale of or charge made for labor and services rendered

1 in respect to automobile towing and similar automotive
2 transportation services, but not in respect to those required to
3 report and pay taxes under chapter 82.16 RCW;

4 (f) The sale of and charge made for the furnishing of lodging
5 and all other services by a hotel, rooming house, tourist court,
6 motel, trailer camp, and the granting of any similar license to
7 use real property, as distinguished from the renting or leasing of
8 real property, and it shall be presumed that the occupancy of real
9 property for a continuous period of one month or more constitutes
10 a rental or lease of real property and not a mere license to use
11 or enjoy the same;

12 (g) The sale of or charge made for tangible personal property,
13 labor and services to persons taxable under (a), (b), (c), (d),
14 (e), and (f) of this subsection when such sales or charges are for
15 property, labor and services which are used or consumed in whole
16 or in part by such persons in the performance of any activity
17 defined as a "sale at retail" or "retail sale" even though such
18 property, labor and services may be resold after such use or
19 consumption. Nothing contained in this subsection shall be
20 construed to modify subsection (1) of this section and nothing
21 contained in subsection (1) of this section shall be construed to
22 modify this subsection.

23 (3) The term "sale at retail" or "retail sale" shall include
24 the sale of or charge made for personal, business, or professional
25 services including amounts designated as interest, rents, fees,
26 admission, and other service emoluments however designated,
27 received by persons engaging in the following business activities:

28 (a) Amusement and recreation services including but not limited
29 to golf, pool, billiards, skating, bowling, ski lifts and tows,
30 day trips for sightseeing purposes, and others, when provided to
31 consumers;

32 (b) Abstract, title insurance, and escrow services;

33 (c) Credit bureau services;

34 (d) Automobile parking and storage garage services;

35 (e) Landscape maintenance and horticultural services but
36 excluding (i) horticultural services provided to farmers and (ii)
37 pruning, trimming, repairing, removing, and clearing of trees and

1 brush near electric transmission or distribution lines or
2 equipment, if performed by or at the direction of an electric
3 utility;

4 (f) Service charges associated with tickets to professional
5 sporting events; and

6 (g) The following personal services: Physical fitness services,
7 tanning salon services, tattoo parlor services, steam bath
8 services, turkish bath services, escort services, and dating
9 services.

10 (4) The term shall also include the renting or leasing of
11 tangible personal property to consumers and the rental of
12 equipment with an operator.

13 (5) The term shall also include the providing of telephone
14 service, as defined in RCW 82.04.065, to consumers.

15 (6) The term shall also include the sale of canned software
16 other than a sale to a person who presents a resale certificate
17 under RCW 82.04.470, regardless of the method of delivery to the
18 end user, but shall not include custom software or the
19 customization of canned software.

20 (7) The term shall not include the sale of or charge made for
21 labor and services rendered in respect to the building, repairing,
22 or improving of any street, place, road, highway, easement, right
23 of way, mass public transportation terminal or parking facility,
24 bridge, tunnel, or trestle which is owned by a municipal
25 corporation or political subdivision of the state or by the United
26 States and which is used or to be used primarily for foot or
27 vehicular traffic including mass transportation vehicles of any
28 kind.

29 (8) The term shall also not include sales of chemical sprays or
30 washes to persons for the purpose of postharvest treatment of
31 fruit for the prevention of scald, fungus, mold, or decay, nor
32 shall it include sales of feed, seed, seedlings, fertilizer,
33 agents for enhanced pollination including insects such as bees,
34 and spray materials to: (a) Persons who participate in the federal
35 conservation reserve program, the environmental quality incentives
36 program, the wetlands reserve program, and the wildlife habitat
37 incentives program, or their successors administered by the United
38 States department of agriculture; (b) farmers for the purpose of

1 producing for sale any agricultural product; and (c) farmers
2 acting under cooperative habitat development or access contracts
3 with an organization exempt from federal income tax under 26
4 U.S.C. Sec. 501(c)(3) or the Washington state department of fish
5 and wildlife to produce or improve wildlife habitat on land that
6 the farmer owns or leases.

7 (9) The term shall not include the sale of or charge made for
8 labor and services rendered in respect to the constructing,
9 repairing, decorating, or improving of new or existing buildings
10 or other structures under, upon, or above real property of or for
11 the United States, any instrumentality thereof, or a county or
12 city housing authority created pursuant to chapter 35.82 RCW,
13 including the installing, or attaching of any article of tangible
14 personal property therein or thereto, whether or not such personal
15 property becomes a part of the realty by virtue of installation.
16 Nor shall the term include the sale of services or charges made
17 for the clearing of land and the moving of earth of or for the
18 United States, any instrumentality thereof, or a county or city
19 housing authority. Nor shall the term include the sale of services
20 or charges made for cleaning up for the United States, or its
21 instrumentalities, radioactive waste and other byproducts of
22 weapons production and nuclear research and development.

23 (10) Until July 1, 2003, the term shall not include the sale of
24 or charge made for labor and services rendered for environmental
25 remedial action as defined in RCW 82.04.2635(2).

26 NEW SECTION. **Sec. 3.** This act takes effect August 1, 2001.

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